

REMARKS

Claims 1-7, 10-12, 14-31, and 33-47 are pending in the present application. Claims 48-73 have been cancelled out because the Office Action has made it clear that they are directed to subject matter that will not be examined in accordance with the Restriction Requirement.

The Office Action has rejected all of the pending claims under examination. In this response, Applicant has further amended claims 1 and 27 relying in part on an interview conducted by Rattan Nath with the Examiner on March 23, 2006. Applicant is filing a Request for Continued Examination based on the Examiner's opinion that amendments will not be entered otherwise. Entry of the amendments is respectfully requested.

Although, during the interview the Examiner was unable to point out specific art that anticipated or rendered obvious the claimed invention by disclosing all of the limitations, applicant is amending the claims to better focus the issues raised in the interview. Thus, recitation of steps useful in making the invention have been moved to the preamble of claim 1 to comply with the Examiners' insistence that they cannot be examined. Consistent with this, the claims 48-73 have been cancelled.

Amendments to independent claims 1 and 27 recite the limitation of a thickness of more than 0.5 mils and less than 4 mils to clearly distinguish any combination of the cited art with the requisite motivation to combine being present. This range is supported by the originally filed disclosure, in particular the dependent claims. Further, it should be noted, that the thickness of the adhesive layer is prior to the application of heat and pressure. Following lamination, the adhesive is largely dispersed among the fibers of the fabric layers. This also is described in the specification and makes any revision of Drawings to show adhesive in the laminated articles unnecessary as there is yet no articulable feature to be so illustrated. Applicants also incorporate in this response their prior responses to prior Office Actions in this case for completeness.

The Office Action did not include specific Drawing requirements. Therefore, the Drawings are expected to be satisfactory now.

Applicant respectfully requests reconsideration in view of the following.

Independent Claims 1 and 27 are patentable over the cited art

The Office Action concedes that Smith (US Patent No. 5,447,462) does not teach the use of a polyurethane film as an adhesive. The most detailed reference addressing polyurethanes as adhesives is Haigh (US Patent No. 5,447,462), which discloses that the

adhesive “should be about 5 to 12 mils thick.” *See, e.g.*, column 2, lines 50-54 of Haigh. It is noteworthy that Haigh provides no motivation to combine it or to seek laminated fabrics made with an adhesive layer of less than 5 mils.

Prunesti (US Patent No. 4,776,916), which has been used to provide various thicknesses of adhesives other than polyurethane, is not believed to disclose or teach any thickness of polyurethane films. Indeed, Prunesti discloses thicknesses of adhesives in the form of powders, which are not comparable to a film. Prunesti expressly requires particle sizes in the adhesive to be no larger than eighty microns, a limitation that precludes a film. *See, e.g.*, column 6, lines 1-5 of Prunesti. The preferred thickness of the adhesive layer of Prunesti is 10 to 20 mils. *See, e.g.*, column 5, lines 50-68 of Prunesti. There is no disclosure or teaching of the claimed thickness or polyurethane adhesive in Prunesti.

Battreal (US Patent No. 5,234,523) discloses that the “amounts of adhesive to be applied will be conventional, but will likely vary depending on the physical characteristics of the materials to be bonded.” *See, e.g.*, column 2, lines 49-52 of Battreal. This disclosure is insufficient to cover the recited range of thickness because (i) it is limited to conventional amounts, which in turn are indicated without contradiction in the record to be no less than 5 mils (the lowest thickness in Haigh); and (ii) Battreal itself illustrates the close relationship between the products possible by a particular process as it discloses a method for preparing laminates in which a heat sensitive layer is laminated that otherwise would be susceptible to damage by the high temperatures and pressures required for efficient manufacturing. Battreal cannot be held to disclose the claimed ranges without disregarding significant parts of its teachings. Similar considerations apply to using the other references in the record.

Because no combination of the references discloses a polyurethane adhesive based fabric laminate with an adhesive in the claimed range, all obviousness rejections based on such combinations must be withdrawn.

Applicants note that the specification expressly describes the benefits made possible by the thin adhesive layer by making the laminated fabric softer and with a better edge finish and handling. These benefits are not disclosed as being possible and the Haigh reference expressly teaches away from the claimed thicknesses. Further, the amount of adhesive affects on the properties of the fabric laminate. It is incorrect to assume that any thickness of adhesive can be applied successfully. More needs to be shown for a particular adhesive, its form and handling before such a conclusion can be properly drawn. The large number of patents dealing with different forms, methods of application and types of adhesives are evidence of the unpredictability of the underlying process and the end product. Thus, it is no surprise that Haigh disclosed and taught thicknesses of greater than 5 mils for polyurethane

film adhesives. Therefore, a limitation on the thickness of the adhesive and the type of adhesive cannot be disregarded as an unimportant detail absent a clear basis in the record.

As discussed in the interview with the Examiner, if the rejections are still maintained, applicants respectfully request that the Office Action provide a reason for discounting the recited adhesive thickness range and the type.

CONCLUSION

In summary, the Office Action primarily relies upon Smith, Battereall, Prunesti, and Haigh, and a few other references. Of these references, Smith and Prunesti do not even mention polyurethanes as adhesives in laminated fabrics. The other references do not disclose, teach or suggest the claimed thickness. Indeed, Haigh discloses a range that expressly excludes the claimed range.

Thus, the cited art is plainly insufficient to either provide a disclosure of all of the limitations of the claimed invention or to provide the required motivation to make or maintain the rejections of the pending claims.


In view of patentability of independent claims 1 and 27, a claim dependent upon either independent claim is also axiomatically patentable. Therefore, the rejections of claims 2-7, 10-12, and 14-26 and 28-31, and 34-47 must be withdrawn.

Therefore, all of the various arguments and grounds for the rejection of pending claims 1-47 have been overcome. No new matter is introduced by way of any of the amendments. Therefore all of the pending claims, including those dependent on independent claim 1 are now allowable.

No fee is believed to be due for this submission other than the fee for the Request for Continued Examination. In the event that any additional fee is required, please charge the required fee to JONES DAY Deposit Account No. 50-3013.

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Respectfully submitted,



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